

FILED

MAY 13 2013

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY ruh DEPUTY

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

TYRONE LESLIE FARRIS,

Plaintiff,

vs.

C/O FRAZIER, J., et al.,

Defendants.

No. CIV-12-1099-W

ORDER

On April 18, 2013, United States Magistrate Judge Gary M. Purcell issued a Supplemental Report and Recommendation in this matter and recommended that the Court deny the Motion for Temporary Restraining Order filed by plaintiff Tyrone Leslie Farris, proceeding pro se. Farris was advised of his right to object, see Doc. 48 at 3, but no objections have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Purcell's suggested disposition of Farris' request for this extraordinary relief. To the extent Farris has sought to preserve certain legal documents and certain evidence as well as prevent the transfer of witnesses to another correctional facility, he has not shown that the destruction of documents¹ or the transfer of witnesses is imminent and/or irreparable. Furthermore, to the extent Farris has sought to gather evidence, the discovery rules afford Farris adequate means to obtain any evidence pertinent to his claims for relief.

¹Parties are charged with a duty (a breach of which might arguably subject them to sanctions) to preserve evidence if they know, or should know, that litigation is likely and that the opposing party will be prejudiced by the destruction of such evidence.

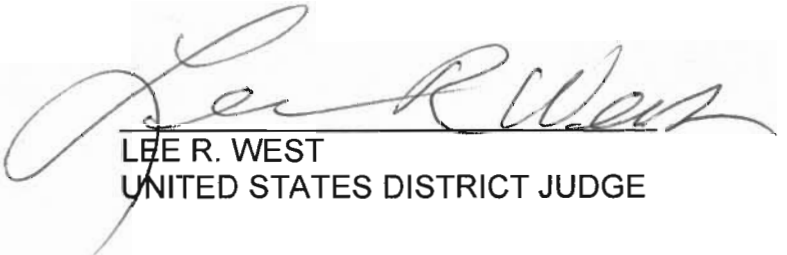
Accordingly, the Court

(1) ADOPTS the Supplemental Report and Recommendation [Doc. 48] issued on April 18, 2013;

(2) DENIES Farris' Motion for Temporary Restraining Order [Doc. 3] file-stamped October 5, 2012; and

(3) RE-REFERS this matter to Magistrate Judge Purcell for further proceedings.

ENTERED this 13th day of May, 2013.



LEE R. WEST
UNITED STATES DISTRICT JUDGE